

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/596,629  
Applicant(s): Herbold et al.  
Filed: March 27, 2007  
Title: DISC MILL

Confirmation No.: 8556  
Art Unit: 3725  
Examiner: Miller, Bena B

Docket No.: 034691/313122  
Customer No.: 00826

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

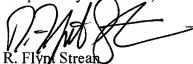
**NOTICE OF APPEAL TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES (37 C.F.R. § 41.31)**

Applicant hereby **appeals** to the Board of Appeals and Interferences from the last decision of the Examiner found in Final Office Action dated July 31, 2008, rejecting Claims 1 and 24-38.

The fee for this Notice of Appeal is under 37 CFR § 41.20(b)(1)).

- ☒ **Applicant claims small entity Status.**
- ☐ A check is enclosed.  
(\$540.00 for large entity fee or \$270.00 if small entity status)
- ☐ The fee was paid during e-filing.
- ☒ **Please charge Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.**
- ☒ **Any additional fee or refund may be charged to our Deposit Account No. 16-0605.**
- ☒ **A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.**

Respectfully submitted,



R. Flynn Streak  
Registration No. 56,450

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111